

REMARKS

Claims 1-9 and 11-17 are pending in the application. The Examiner objected to the abstract of the disclosure because, "the abstract says nothing about the scheduling function..." However, the second paragraph of the Abstract specifically calls out the scheduling function. Applicant has amended the Abstract to include mention that the channels carry incoming digital or analog traffic. Applicant submits that this overcomes the Examiner's objection and requests withdrawal of this objection.

Claims 1-4, 8, 11, and 16-17 were rejected under 35 USC 103(a) as being unpatentable over White et al. (US 5,933,490) in view of Fratto, M., "More than Throughput: Managed Modem Chassis" (Fratto I) and further in view of Carson et al. (US 4,629,832), and further in view of Service Provider Dial Scenarios "The Cisco Reference".

Claims 1, 8, 16 and 17 are independent claims, with claims 2-4 depending from claim 1, and claim 11 depending from claim 8. Claim 1 requires "monitoring any used associated channels for either of a digital and an analog call thereon...migrating any existing calls to other network access servers...and automatically routing any new client service requests that may arrive during a busy condition..." The combination of references does not teach any of these three elements.

White mentions that a network access server may carry digital and analog calls, but does not teach monitoring both digital and analog calls according to their respective protocols. Applicant understands that a combination of reference cannot be overcome by attacking the individual references, but also that the only mention in the combination of references to digital and analog lines is in White. There is mention made of monitoring with reference to Carson, but Carson only teaches analog lines. The combination of the other references with White does not teach monitoring both digital and analog lines in a network access server.

With regard to the rerouting, the combination of references does not teach rerouting new calls during a busy state. As the Examiner has stated, the combination of references without the Cisco reference does not teach that new calls are automatically routed to another network access server. The mention in the Cisco reference that channels of a hunt group are allocated across multiple access servers does not necessarily suggest that incoming calls would be rerouted if those calls were directed to a server in the hunt group that was busy. The allocation could still result in an incoming call being given a busy signal. The prior art combination must teach or suggest all of the claim limitations. Merely mentioning that all of the channels of a hunt group may be allocated across multiple servers does not render

obvious that the channels assigned to one server be reassigned in response to a busy condition.

Finally, the combination of references does not teach migrating calls to other network access servers in order to busy out an active line with no interruption of the service to the user. This is supported in Applicant's specification in several places, for example, on pages 5 and 6. Indeed, Carson could be considered to no longer be a valid part of the combination of references, as Carson teaches away from rerouting as well as teaching away from migrating the calls. See Carson, column 11, lines 1-8. If the Cisco reference did teach allocating channels of a hunt group across multiple servers including rerouting those channels assigned to a server when the server is down, the combination of the Cisco reference with Carson would be invalid, as the two references would then teach away from each other. However, the Cisco reference does not teach the rerouting. The Carson reference teaches away from rerouting and migrating existing calls.

It is therefore submitted that claim 1 is patentably distinguishable over the prior art and allowance of this claim is requested.

Claim 8 also teaches that the channels be monitored for non-use as indicated by defined digital and analog signaling protocols, that the new calls be routing to other servers and that existing calls may be migrated to other servers. In light of the discussion with regard to claim 1, above, it is submitted that claim 8 is also patentably distinguishable over the prior art and allowance of this claim is requested.

Claim 16 also has the same requirements of monitoring channels for substantial unuse according to respective digital and analog protocols, rerouting new calls to other network access servers and migrating existing calls to other network access servers as necessary. It is therefore submitted that claim 16 is patentably distinguishable over the prior art and allowance of this claim is requested.

Claim 17 should be ruled allowable for the same reasons as claims 1, 8 and 16. In addition, claim 17 requires that calls having a usage level below a predetermined threshold be migrated to other network access servers. There is no suggestion anywhere in the combination of references about migrating existing calls, much less migrating calls below a certain usage threshold. It is submitted that claim 17 is patentably distinguishable over the prior art and allowance of this claim is requested.

Claims 2-4 depend from claim 1 and should be ruled allowable for that reason and for their own merits. As discussed above, the combination of references does not teach all of the limitation of the base claim, much less that an idle condition is communicated after the

maintenance is completed as in claim 2, or where that communication is performed using a standard communication protocol as in claim 3. As discussed above, the mention of hunt groups in the combination including the Cisco reference is not enough to suggest rerouting calls to non-busy network access server, much less that the automatic rerouting is targeted within a hunt group. It is submitted that claims 2-4 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claim 11 depends from claim 8 and should be ruled allowable for that reason and for its own merit. The combination of references does not teach the limitations of the base claim, much less the further limitations of the dependent claim, in that the scheduling is done in response to a manual command to schedule service. It must be noted that the references do not manually schedule service. The combination of references teaches beginning the maintenance upon a manual command, but not that the maintenance is scheduled in response to a command. It is therefore submitted that claim 11 is patentably distinguishable over the prior art and allowance of this claim is requested.

Claims 5-7, 9, and 12-15 are rejected under 35 USC 103(a) as being unpatentable over White in view of Fratto and further in view of Carson, and further in view of the Cisco Reference, and further in view of Fratto, M., "Accessing the Enterprise: Large Scale RAS to the Rescue" (Fratto II).

In addition to the three points made above about the combination of the references with regard to monitoring both digital and analog calls, rerouting new calls during busy times, and migrating existing calls to other network access servers, claims 5-7, 9, 12 and 13-15 require a scheduler or a scheduling function. In response to this additional point, the Examiner had added Fratto II. It is stated that:

"Although Fratto II does not explicitly use the word automatic to describe the operation of the scheduler, Fratto II does say that the scheduling occurs without human personnel intervention after working hours."

However, the reference within Fratto, page 5, third full paragraph, does not say that. The paragraph actually says, "Modems can be busied out so that user connections are not dropped, but without a scheduler you have to ensure that personnel will be on hand to perform the upgrade during low periods- often after working hours." So, the scheduler does not occur 'without human personnel intervention after working hours, it actually says that is one were to schedule maintenance during slow hours, one must ensure that there are people present to do the maintenance. There is no reference to the scheduling being automatic. As

there has to be at least a suggestion of all of the claim limitations, the combination of references does not teach the scheduler as claimed in claim 5, 9, 12 and 13.

It is therefore submitted that, for all the reasons applied to claim 1, and the reasons as applied to the scheduling function above, that claims 5, 9, 12 and 13 are patentably distinguishable over the prior art and allowance of these claims is requested.

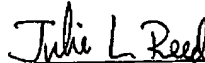
Claims 6 and 7 depend from claim 5, and claims 14 and 15 depend from claim 13, and should be ruled allowable for that reason and for their own merits. The combination of references does not teach all of the limitations of the base claim, much less the further limitations recited in the dependent claims.

No new matter has been added by this amendment. Allowance of all claims is requested. References cited but not relied upon have been reviewed and are not pertinent to Applicant's disclosure.

The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.



Julie L. Reed
Reg. No. 35,349

MARGER JOHNSON & McCOLLOM, P.C.
1030 SW Morrison Street
Portland, OR 97205
503-222-3613